

1 PETER D. KEISLER  
2 Assistant Attorney General  
3 KEVIN V. RYAN  
4 United States Attorney  
5 THEODORE C. HIRT (D.C. Bar No. 242982)  
6 Assistant Director  
7 W. SCOTT SIMPSON (VA Bar No. 27487)  
8 Senior Trial Counsel  
9 Department of Justice  
10 Civil Division - Room 7210  
11 Federal Programs Branch  
12 Post Office Box 883  
13 Washington, D.C. 20044  
14 Telephone: (202) 514-3495  
15 Facsimile: (202) 616-8470  
16 E-mail: scott.simpson@usdoj.gov

17 ATTORNEYS FOR DEFENDANTS

18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21

|  |                                |
|--|--------------------------------|
|  | Civil Action No. C-05-0536 JSW |
| 15 RYAN C. DONLON,                     | )                              |
| 16 Plaintiff,                          | )                              |
| 17 v.                                  | )                              |
| 18 UNITED STATES OF AMERICA and        | )                              |
| 19 CATHY CATTERSON, Clerk of the       | )                              |
| United States Court of Appeals for the | )                              |
| Ninth Circuit,                         | )                              |
| 20 Defendants.                         | )                              |

21

22 WHEREAS, this action was stayed, by order dated April 26, 2005, pending the United  
23 States Supreme Court's resolution of McCreary County, Kentucky, et al. v. American Civil  
24 Liberties Union of Kentucky, et al., No. 03-1693 [hereinafter McCreary], and Van Orden v.  
25 Perry, et al., No. 03-1500;

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**STIPULATION AND [PROPOSED]  
ORDER REGARDING SCHEDULE**

1 WHEREAS, pursuant to the order of April 26, defendants' response to the Complaint in  
2 this action must be filed no later than thirty days after the Supreme Court's resolution of  
3 McCreary and Van Orden;

4 WHEREAS, the Supreme Court announced its decisions in McCreary and Van Orden  
5 on June 27, 2005;

6 AND WHEREAS, the parties propose to establish a schedule for briefing and hearing  
7 on defendants' contemplated dispositive motion;

8 NOW THEREFORE, the plaintiff and the defendants, through their undersigned  
9 counsel, hereby stipulate and agree as follows, and respectfully request that the Court so order:

10        1. Defendants' dispositive motion in response to the Complaint shall be served on or  
11 before July 22, 2005, and shall be filed on or before July 25, 2005.

12 2. Plaintiff's opposition to defendants' dispositive motion shall be served on or before  
13 August 12, 2005; and shall be filed on or before August 15, 2005.

14 3. Defendants' reply, if any, to plaintiff's opposition shall be served on or before August  
15 26, 2005, and shall be filed on or before August 29, 2005.

16 4. Hearing on defendants' dispositive motion shall be held on September 9, 2005, at  
17 9:00 a.m., before the Honorable Jeffrey S. White, in Courtroom 2 of the United States  
18 Courthouse, 450 Golden Gate Avenue, San Francisco, California.

19        5. Service of all of the above-described papers shall be made by electronic mail and by  
20 first-class United States mail on the dates indicated.

21 6. Paragraph 5 of the order of April 26, 2005, shall remain in effect.

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

KEVIN V. RYAN  
United States Attorney

THEODORE C. HIRT (DC Bar No. 242982)  
Assistant Director

1 11 Fairway Lane  
2 Pleasanton, California 94566  
3 Telephone: (415) 515-1731  
4 Facsimile: (415) 460-0969  
5 E-mail: ryandonlon@hotmail.com

6 Dated: July 5, 2005

7 PLAINTIFF PRO SE

  
W. SCOTT SIMPSON (VA Bar No. 27487)  
Senior Trial Counsel

8 Attorneys, Department of Justice  
9 Civil Division, Room 7210  
10 Post Office Box 883  
11 Washington, D.C. 20044  
12 Telephone: (202) 514-3495  
13 Facsimile: (202) 616-8470  
14 E-mail: scott.simpson@usdoj.gov

15 Dated: July 6, 2005

16 COUNSEL FOR DEFENDANTS  
17 UNITED STATES OF AMERICA  
18 AND CATHY CATTERSON

19 Defendants shall file a motion in response to Plaintiff's complaint by no later than September 23,  
20 2005. Plaintiff shall file his opposition by no later than October 14, 2005. Defendants shall file  
21 their reply by no later than October 28, 2005. The hearing on Defendants' motion is hereby set  
22 for November 18, 2005 at 9:00 a.m. IT IS SO ORDERED.  
23

24 Dated: July 8, 2005

25 /s/ Jeffrey S. White  
26 JEFFREY S. WHITE  
27 UNITED STATES DISTRICT JUDGE

Certificate of Service

The undersigned hereby certifies that he served a copy of the foregoing Stipulation and [Proposed] Order Regarding Schedule on the plaintiff, by causing such copy to be deposited in the United States Mail, first-class postage prepaid, on July 6, 2005, addressed as follows:

Ryan C. Donlon  
11 Fairway Lane  
Pleasanton, CA 94566

/s/ W. Scott Simpson

W. SCOTT SIMPSON